

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOAN P.B., INDIVIDUALLY AND ON  
BEHALF OF M.F.,**

**Plaintiff,**

**v.**

**KHEPERA CHARTER SCHOOL, PEDRO  
RIVERA IN HIS OFFICIAL CAPACITY  
AS SECRETARY OF EDUCATION FOR  
THE COMMONWEALTH OF  
PENNSYLVANIA DEPARTMENT OF  
EDUCATION, AND COMMONWEALTH  
OF PENNSYLVANIA DEPARTMENT OF  
EDUCATION,**

**Defendants.**

**CIVIL ACTION**

**NO. 18-885**

**ORDER**

**AND NOW**, this 29th day of August, 2018, upon consideration of Plaintiff's Motion for Summary Judgment against Defendant Khepera Charter School ("Khepera") (ECF No. 17), Khepera's Response thereto (ECF No. 23), and Plaintiff's reply thereof (ECF No. 27) **IT IS ORDERED** that Plaintiff's Motion is **GRANTED**.

**IT IS FURTHER ORDERED** that upon consideration of Plaintiff's Motion for Summary Judgment against PDE (ECF No. 16), Plaintiff's Response thereto (ECF No. 24), PDE's Reply thereof (ECF No 26), and Defendant's Sur-Reply Response (ECF No. 28 Ex. 2) as well as PDE's cross-motion for Summary Judgment (ECF Nos. 19 & 20), Plaintiff's Response thereto (ECF No. 22), PDE's Reply thereof (ECF No. 25), Plaintiff's Motion is **GRANTED IN PART AND DENIED IN PART** and Defendant's Motion is **GRANTED IN PART AND DENIED IN PART** as follows:

- (1) Plaintiff's Motion for Summary Judgment against PDE is **GRANTED** with respect to Plaintiff's claim for \$ 7,514 in compensatory education. PDE shall make those funds available to Plaintiff in a manner consistent with its letter of March 26, 2018. PDE's

Motion is **DENIED** with respect to the same claim for compensatory education.

- (2) Plaintiff's Motion for Summary Judgment against PDE is **DENIED** with respect to Plaintiff's request for \$8,500 in attorney's fees. PDE's Motion for Summary Judgment is **GRANTED** with respect to the same claim for attorney's fees.

**BY THE COURT:**

**/s/Wendy Beetlestone, J.**

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**WENDY BEETLESTONE, J.**